

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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YVROSE JEAN-BAPTISTE,

Civil Action No.: 07CV3535
(FB)(CLP)

AFFIDAVIT OF
YVROSE
JEAN-BAPTISTE

-against-

NYC DEPARTMENT OF EDUCATION,
DINA KOSKI, DEBRA GERSHMAN,

Defendants.

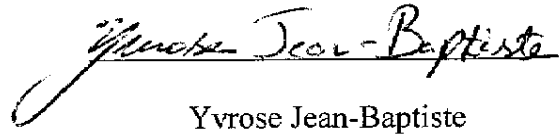
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YVROSE JEAN-BAPTISTE, being sworn states:

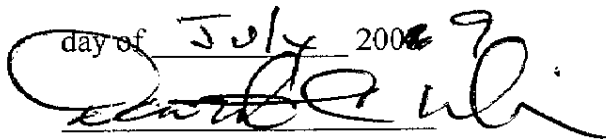
1. I am the Plaintiff in the instant action, and a former, full-time employee of Defendant NYC Department of Education ("NYCDOE") as an elementary school teacher.
2. Since 2003, I worked at P.S. 26, where defendants Koski and Gershman are Principal and Assistant Principal, respectively.
3. I am Black and of Haitian descent.
4. At all times herein relevant, I possessed a current, valid Early Childhood Education certificate/licensure.
5. Prior to commencing work at P.S. 26, defendant Koski called me by telephone and attempted to persuade me not to report to work at P.S. 26, which I was transferred to pursuant to an Integration transfer.

6. Throughout my tenure at P.S. 26, defendants Koski and Gershman subjected me to treatment and discipline to which similarly situated white teachers were not subject.
7. This included almost daily, unannounced observations of my teaching sessions; almost daily review of my lesson plans; summoning students of mine to the Principal's office during class sessions to examine those students' assignments and work product; and assigning me to teach classes outside of my licensure area and/or as a substitute teacher, when similarly situated white teachers without my certification were given my grade levels and not required to perform as a substitute teacher. I was also forced to work with coaches that I neither wanted nor required.
8. Prior to working at P.S. 26 with defendants Koski and Gershman, I had never been "written up" nor formally disciplined by defendant NYCDOE.
9. At all times herein relevant, my classroom and its contents were more than adequate and appropriate for my students.
10. During my tenure at P.S. 26 while in the employ of defendants, I have performed my job satisfactorily as reflected by my annual evaluations. (Attached as Exhibit "1").
11. Now that this lawsuit is pending, and in retaliation therefor, defendant Koski gave me an Unsatisfactory rating for my 2007-2008 annual evaluation. (Attached as Exhibit "2").
12. It is now clear to me why P.S. 26 lacked minority staff and was thus a school that participated in the Integration transfer program. Given the treatment I received at

the hands of defendants Koski and Gershman, other minorities would not want to work there.


Yvrose Jean-Baptiste

Sworn to before me this 23rd

day of July 2008


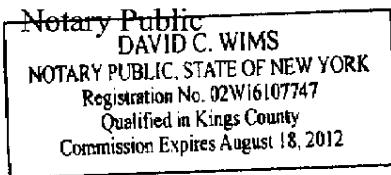


EXHIBIT 1

EXHIBIT 1

FROM : Y JEAN BAPTISTE

PHONE NO. : 7184685648

Jul. 20 2009 10:09AM P3



NEW YORK CITY BOARD OF EDUCATION
DIVISION OF PERSONNEL
OFFICE OF APPEALS AND REVIEWS
85 Court Street, Brooklyn, New York 11201
BE/OP 0866B (5/87) pers d1 (Replaces OP 11B)

ANNUAL PROFESSIONAL PERFORMANCE REVIEW AND REPORT ON PROBATIONARY SERVICE OF PEDAGOGICAL EMPLOYEE

(OTHER THAN SUPERVISOR, GUIDANCE COUNSELOR, SCHOOL SOCIAL WORKER, PSYCHOLOGIST, EDUCATIONAL EVALUATOR, SCHOOL SECRETARY)

Y JUAN BARTOLO		686324		LICENSE				FKE NUMBER			
190-40 BRUCE COUNCIL		IRA		APT NO.				SOCIAL SECURITY NUMBER			
HULLINGBORO		NY									
#1425 03 26		W036 7378		STATE				ZIP CODE		TENNURED ✓	
SALARY \$69029		334103481602								PROBATIONER	
										SUBSTITUTE	
CURRENT SALARY RATE		FOR PROBATIONERS: Date of appointment		Jere's Credit		N.Y.S. Tenure Credit (Max. 1 year)		Date of Completion of Probation			
\$											
SCHOOL 216				BOROUGH ①				DISTRICT 26			



	FIRST YEAR				SECOND YEAR				THIRD YEAR				DAYS IN C.A.R.	OR BORROWED DAYS	SUBSTITUTE SERVICE NO. OF DAYS
	TIMES NO.	TIME LOST		TIMES NO.	TIME LOST		TIMES NO.	TIME LOST							
		DAYS	HRS. MIN.		DAYS	HRS. MIN.		DAYS	HRS. MIN.						
LATENESS*															
ABSENCE* Exclude Non-Absence													47 days		
													1 hour		

* NOTE: For reports on probationers complete 1 to 3 years as applicable. For all other personnel use "First Year" to denote current year.

SECTION 1 - REPORT BY PRINCIPAL OR OTHER APPROPRIATE SUPERVISOR:

COMMENTS (as checked. "NA" indicates "Not Applicable.")		SATIS-FACTORY	UNSATIS-FACTORY	ADDITIONAL COMMENTS
A. PERSONAL AND PROFESSIONAL QUALITIES				
1. Attendance and punctuality				
2. Personal appearance				
3. Voice, speech and use of English				
4. Professional attitude and professional growth				
5. Resourcefulness and initiative				
B. PUPIL GUIDANCE AND INSTRUCTION				
1. Effect on character and personality growth of pupils				
2. Control of class				
3. Maintenance of wholesome classroom atmosphere				
4. Planning and preparation of work				
5. Skill in adapting instruction to individual needs and capacities				
6. Effective use of appropriate methods and techniques				
7. Skill in making class lessons interesting to pupils				
8. Extent of pupil participation in the class and school program				
9. Evidence of pupil growth in knowledge, skills, appreciations and attitude				
10. Attention to pupil health, safety and general welfare				
C. CLASSROOM OR SHOP MANAGEMENT				
1. Attention to physical conditions				
2. Housekeeping and appearance of room				
3. Care of equipment by teacher and children				
4. Attention to records and reports				
5. Attention to routine matters				
D. PARTICIPATION IN SCHOOL AND COMMUNITY ACTIVITIES				
1. Maintenance of good relations with other teachers and with supervisors				
2. Effort to establish and maintain good relationships with parents				
3. Willingness to accept special assignments in connection with the school program				
E. ADDITIONAL REMARKS (additional sheets, signed and acknowledged may be attached):				

SECTION 2 - PERFORMANCE EVALUATION

SECTION 2 - PERFORMANCE EVALUATION		
OVERALL EVALUATION S, U, or D (D for first year probation only)	SIGNATURE OF PRINCIPAL (If other - give title)	ACKNOWLEDGMENT BY EMPLOYEE I have received this report on:
For the period: From 9/7/04 to 6/23/05	 6/10/05 DATE	6/17/05  DATE SIGNATURE OF EMPLOYEE

FROM : Y JEAN BAPTISTE

PHONE NO. : 7184685648

Jul. 22 2009 10:08AM P2



NEW YORK CITY BOARD OF EDUCATION
DIVISION OF PERSONNEL
OFFICE OF APPEALS AND REVIEWS
45 Court Street, Brooklyn, New York 11201
GE/DOF 9955B (5/87) pers dl (Replaces OP 11B)

**ANNUAL PROFESSIONAL PERFORMANCE
REVIEW AND REPORT ON PROBATIONARY
SERVICE OF PEDAGOGICAL EMPLOYEE**
(OTHER THAN SUPERVISOR, GUIDANCE COUNSELOR, SCHOOL SOCIAL
WORKER, PSYCHOLOGIST, EDUCATIONAL EVALUATOR, SCHOOL SECRETARY)

Y JEAN BAPTISTE 158-20 EPSOM COURSE HOLLISWOOD 11423 CB 26 CC26 7873 SALARY 848549		666324 1SP NY SSR103481602	LICENSE	FILE NUMBER
APR. NO.		SOCIAL SECURITY NUMBER		
STATE		ZIP CODE	TENURED	PROBATIONER
CURRENT SALARY RATE		FOR PROBATIONERS: Date of Appointment	Jerome Credit	N.Y.S. Tenure Credit (Max. 1 year)
\$		Date of Completion of Probation		
SCHOOL		DISTRICT		
BOROUGH		DISTRICT		
LATENESS*		ABSENCE*		
Exclude Non-Attendance		Exclude Non-Attendance		
51		10		

* NOTE: For reports on probationers complete 1 to 3 years as applicable. For all other personnel use "First Year" to denote current year.

SECTION 1 - REPORT BY PRINCIPAL OR OTHER APPROPRIATE SUPERVISOR:

COMMENTS (as checked. "NA" indicates "Not Applicable.")	SATIS-FACTORY	UNSATIS-FACTORY	ADDITIONAL COMMENTS
A. PERSONAL AND PROFESSIONAL QUALITIES			
1. Attendance and punctuality			
2. Personal appearance			
3. Voice, speech and use of English			
4. Professional attitude and professional growth			
5. Resourcefulness and initiative			
B. PUPIL GUIDANCE AND INSTRUCTION			
1. Effect on character and personality growth of pupils			
2. Control of class			
3. Maintenance of wholesome classroom atmosphere			
4. Planning and preparation of work			
5. Skill in adapting instruction to individual needs and capacities			
6. Effective Use of appropriate methods and techniques			
7. Skill in making class lessons interesting to pupils			
8. Extent of pupil participation in the class and school program			
9. Evidence of pupil growth in knowledge, skills, appreciations and attitude			
10. Attention to pupil health, safety and general welfare			
C. CLASSROOM OR SHOP MANAGEMENT			
1. Attention to physical conditions			
2. Housekeeping and appearance of room			
3. Care of equipment by teacher and children			
4. Attention to records and reports			
5. Attention to routine matters			
D. PARTICIPATION IN SCHOOL AND COMMUNITY ACTIVITIES			
1. Maintenance of good relations with other teachers and with supervisors			
2. Effort to establish and maintain good relationships with parents			
3. Willingness to accept special assignments in connection with the school program			
E. ADDITIONAL REMARKS (additional sheets, signed and acknowledged may be attached)			

SECTION 2 - PERFORMANCE EVALUATION

OVERALL EVALUATION S, U, or O (O for first year probation only)	SIGNATURE OF PRINCIPAL (If other - give title)	ACKNOWLEDGMENT BY EMPLOYEE I have received this report on:
For the period. From 9/6/05 to 6/28/06	<i>[Signature]</i> 6/12/06 DATE	DATE
		SIGNATURE OF EMPLOYEE

(Complete Reverse Side for Probationary Personnel Only)

FROM : Y JEAN EAPTISTE

PHONE NO. : 7184685648

Jul. 20 2009 10:07AM P1



NEW YORK CITY BOARD OF EDUCATION
DIVISION OF PERSONNEL
OFFICE OF APPEALS AND REVIEWS
65 Court Street, Brooklyn, New York 11201
BED/OP 8954B (5/87) pers. nt. (Replaces OP 11B)

**ANNUAL PROFESSIONAL PERFORMANCE
REVIEW AND REPORT ON PROBATIONARY
SERVICE OF PEDAGOGICAL EMPLOYEE**
(OTHER THAN SUPERVISOR, GUIDANCE COUNSELOR, SCHOOL SOCIAL
WORKER, PSYCHOLOGIST, EDUCATIONAL EVALUATOR, SCHOOL SECRETARY)

Y JEAN EAPTISTE		666324	LICENSE		FILE NUMBER							
198-0 PERSON COURSE		1RS	APT. NO.		SOCIAL SECURITY NUMBER							
HOLL SWOOD		NY	STATE		ZIP CODE							
1142		25 2026	7878		TENURED PROBATIONER SUBSTITUTE							
CURRENT SALARY RATE		FOR PROBATIONERS: Date of Appointment		Jared's Credit		N.Y.S. Tenure Credit (Max. 1 year)						
S		BOROUGH		DISTRICT		Date of Completion of Probation						
SCHOOL		BOROUGH		DISTRICT								
LATENESS*	FIRST YEAR			SECOND YEAR			THIRD YEAR			DAYS IN C.A.R.	OR BORROWED DAYS	SUBSTITUTE SERVICE NO. OF DAYS
	TIMES NO.	TIME LOST		TIMES NO.	TIME LOST		TIMES NO.	TIME LOST				
		DAYS	HRS.	MIN.		DAYS	HRS.	MIN.		DAYS	HRS.	MIN.
ABSENCE*	9	32										
Exclude Non-Attendance												

* NOTE: For reports on probationers complete 1 to 3 years as applicable. For all other personnel use "First Year" to denote current year.

SECTION 1 - REPORT BY PRINCIPAL OR OTHER APPROPRIATE SUPERVISOR:

COMMENTS (as checked. "NA" indicates "Not Applicable.")	SATIS-FACTORY	UNSATIS-FACTORY	ADDITIONAL COMMENTS
A. PERSONAL AND PROFESSIONAL QUALITIES			
1. Attendance and punctuality			
2. Personal appearance			
3. Voice, speech and use of English			
4. Professional attitude and professional growth			
5. Resourcefulness and initiative			
B. PUPIL GUIDANCE AND INSTRUCTION			
1. Effect on character and personality growth of pupils			
2. Control of class			
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10. Attention to pupil health, safety and general welfare			
C. CLASSROOM OR SHOP MANAGEMENT			
1. Attention to physical conditions			
2. Housekeeping and appearance of room			
3. Care of equipment by teacher and children			
4. Attention to records and reports			
5. Attention to routine matters			
D. PARTICIPATION IN SCHOOL AND COMMUNITY ACTIVITIES			
1. Maintenance of good relations with other teachers and with supervisors			
2. Effort to establish and maintain good relationships with parents			
3. Willingness to accept special assignments in connection with the school program			
E. ADDITIONAL REMARKS (additional sheets, signed and acknowledged may be attached):			

SECTION 2 - PERFORMANCE EVALUATION

OVERALL EVALUATION S, U, or D (D for first year probation only)	SIGNATURE OF PRINCIPAL (If other - give title)	ACKNOWLEDGMENT BY EMPLOYEE I have received this report on:
3	<i>[Signature]</i>	
For the period: From 8/31/06 to 6/27/07	DATE	DATE
		SIGNATURE OF EMPLOYEE

(Complete Reverse Side for Probationary Personnel Only)

EXHIBIT 2

EXHIBIT 2

FROM : Y JEAN BAPTISTE

PHONE NO. : 7184685648

Jul. 23 2009 03:01PM P1

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New York City Department of Education
Division of Human Resources
65 Court Street, Brooklyn, New York 11201
BRUNO P 99560 (500) pers II

ANNUAL PROFESSIONAL PERFORMANCE REVIEW AND REPORT ON PROBATIONARY SERVICE OF PEDAGOGICAL EMPLOYEE

(OPTIONAL SUPERVISOR, CLERICAL OR SCHOOL SCHOOL SOCIAL WORKER
PSYCHOLOGIST, NON-PEDAGOGICAL EVALUATION REPORT, PROBATIONARY)

EMPLOYEE'S FULL NAME JEAN BAPTISTE YVROSE		LICENSE EARLY CHILDHOOD CLASSES DES		FILE NUMBER 0666324								
EMPLOYEE'S COMPLETE HOME ADDRESS (Number and Street) 4321 GUNN HIGHWAY		APT. NO.		EMPLOYEE ID NUMBER 687896								
CITY TAMPA	STATE FL	ZIP CODE 33618	TENURED <input type="checkbox"/>	PROBATIONER <input checked="" type="checkbox"/>	SUBSTITUTE <input type="checkbox"/>							
CURRENT SALARY RATE \$86,580.00	FOR PROBATIONERS: Date of Appointment Jerame Credit		N.Y.S. Tenure Credit (Max 1 year)		Date of Completion of Probation							
SCHOOL 0026 P.S. 026 RUFUS KING		BOROUGH QUEENS		DISTRICT 26								
Printed as of 06-17-08	FIRST YEAR			SECOND YEAR			THIRD YEAR			DAYS IN C.A.R.	OR BORROWED DAYS	SUBSTITUTE SERVICE NO. OF DAYS
	TIMES NO.	TIME LOST	TIMES NO.	TIME LOST	TIMES NO.	TIME LOST						
LATENESS	2	0 6 11										
ABSENCE	14	14 0 0								-4		
<small>*NOTE: For reports on probationers, complete 1 to 3 years as applicable. For all other personnel use "First Year" to denote current year.</small>												

SECTION 1- REPORT BY PRINCIPAL OR OTHER APPROPRIATE SUPERVISOR:

COMMENTS (as checked, "NA" indicates "Not Applicable.")	SATIS-FACTORY	UNSATIS-FACTORY	ADDITIONAL COMMENTS
A. PERSONAL AND PROFESSIONAL QUALITIES			
1. Attendance and punctuality		U	
2. Personal appearance			
3. Voice, speech and use of English		U	
4. Professional attitude and professional growth			
5. Resourcefulness and initiative			
B. PUPIL GUIDANCE AND INSTRUCTION			
1. Effect on character and personality growth of pupils		U	
2. Control of class		U	
3. Maintenance of wholesome classroom atmosphere		U	
4. Planning and preparation of work		U	
5. Skill in adapting instruction to individual needs and capacities		U	
6. Effective use of appropriate methods and techniques		U	
7. Skill in making class lessons interesting to pupils		U	
8. Extent of pupil participation in the class and school program			
9. Evidence of pupil growth in knowledge, skills, appreciations and attitude			
10. Attention to pupil health, safety and general welfare			
C. CLASSROOM OR SHOP MANAGEMENT			
1. Attention to physical conditions		U	
2. Housekeeping and appearance of room		U	
3. Care of equipment by teacher and children		U	
4. Attention to records and reports			
5. Attention to routine matters			
D. PARTICIPATION IN SCHOOL AND COMMUNITY ACTIVITIES			
1. Maintenance of good relations with other teachers and with supervisors		U	
2. Effort to establish and maintain good relationships with parents		U	
3. Willingness to accept special assignments in connection with the school program			
E. ADDITIONAL REMARKS (additional sheets, signed and acknowledged may be attached):			
Ms Jean Baptiste refused assistance.			

SECTION 2- PERFORMANCE EVALUATION

OVERALL EVALUATION: S, U, or D (D for first year probation only)	SIGNATURE OF PRINCIPAL (If other, give title)	ACKNOWLEDGEMENT BY EMPLOYEE I have received this report on:
For the period: From 8/30/2007 to 6/26/2008	<i>Reina Fide</i> DATE 6/17/08	SIGNATURE OF EMPLOYEE _____ DATE _____

(Continued...Please go to page 2)